

SB 872 A STAFF MEASURE SUMMARY

House Committee On Commerce and Consumer Protection

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Meeting Dates: 5/13, 5/20

WHAT THE MEASURE DOES:

The measure authorizes the Oregon Mortuary and Cemetery Board (the Board) to issue reprimands, license limitations, and conditions of probation in licensee disciplinary actions. It also allows emergency suspensions and increases the per violation civil penalty cap to \$5,000. The measure sets notice and time requirements that the Board must adhere to, and clarifies that disciplinary proceedings are contested case proceedings under the Administrative Procedures Act. It also makes conforming amendments to statutes authorizing trainee registrations and certificate of removal registrations.

Fiscal impact: Minimal Impact

Revenue impact: Minimal Impact

SENATE VOTE: Ayes, 22; Nays, 7

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The State Mortuary and Cemetery Board (Oregon Mortuary and Cemetery Board, or OMCB) is responsible for the licensure and discipline of funeral service practitioners, embalmers, death care consultants, funeral establishment operators, cemetery operators, crematory operators, and alternative disposition facilities. Persons may not engage in the unlicensed practice of these professions in Oregon. The Board must inspect each licensed facility -- currently numbering 756 -- at least one once every two years. ORS 692.320. Upon a complaint or its own motion, the Board is authorized to investigate licensee violations listed in ORS 692.180 and to issue discipline and civil penalties of up to \$1,000 per violation. Trainees in these professions are permitted under the direct supervision of a licensed professional, and the Board may also suspend or revoke trainee registration if the trainee has violated the provisions of ORS 692.180. The Board may be represented by the Oregon Department of Justice in disciplinary hearings and appeals and be charged hourly rates for legal services rendered pursuant to ORS 180.160.